

<b>MEMORANDUM OF INTERVIEW</b>	Attorney Docket No.	<b>3032-101</b>
	First Named Inventor	Igor Stagljär
	Application Number	10/509,507
	371(c) Date	December 22, 2004
	Group Art Unit	1636
	Examiner Name	Michele K. Joike

**Mail Stop AF**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

On February 21, 2008, Examiner Joike kindly granted the undersigned a telephonic interview to discuss the subject application.

Applicants' submit herewith their Memorandum of Interview in accordance with MPEP §713.04.

**Remarks** including applicants' Memorandum of Interview begin on page 2 of this paper.

## REMARKS: Memorandum of Interview

On February 21, 2008, Examiner Joike kindly granted the undersigned a telephone interview, which was also attended by supervisory examiner David Guzo.

Claims 48 to 65, 68 and 70 were discussed in view of the "Stagljar" reference (Stagljar et al., *Proc. Natl. Acad. Sci. USA*, Vol. 95, pp. 5187-5192 (1998)).

The undersigned expressed her delight about the fact that in view of the advisory action of January 24, 2008 only one clearly defined issue was outstanding in the present case, namely whether NubG-Alg5p is expressed by a bait vector (Office's view) or a prey vector (applicants' view). In particular, the Office expressed in the advisory action its view particularly clearly by stating:

**"Stagljar teaches maintaining a bait vector episomally.** On page 5190, second paragraph, Stagljär teaches that **NubG-Alg5p** can be expressed from a high or low copy plasmid. Therefore, this DNA construct is maintained episomally." *[emphasis added]*

The undersigned noted that applicants had previously argued that only Stagljär's (1998) prey vectors are maintained episomally, but that Stagljär's (1998) bait vectors, in contrast to the present invention, are integrated. The undersigned specifically referred to applicants' answer of July 23, 2007, where applicants had pointed out that Fig. 5, which shows, among others, NubG-Alg5, depict products of "episomally maintained prey vectors." (page 20, third full paragraph of July 23, 2007 response; see also page 9, last full paragraph of reply under 37 CFR §1.116).

The undersigned suggested that, in order to bring this case to a speedy conclusion, applicants submit a declaration by one of the inventors of the present application, Igor Stagljär, co-author of the above 1998 "Stagljar" reference, stating that NubG-Alg5p as disclosed in the 1998 "Stagljar" paper is expressed by a "prey vector" in accordance with the definition of "prey vectors" as set forth on page 7 of the present disclosure.

Examiner Joike stated that such a declaration might be useful, but that its submission would require her to conduct a new search. Examiner Guzo suggested submitting an after final response. When the undersigned noted that such an after final response has already been filed, Examiner Guzo suggested appealing the case. The undersigned pointed out that her suggestion to submit a declaration as outlined above was an attempt to clarify the Stagljär (1998) reference for the Office and to avoid an appeal.

No fee is believed to be due. However, any petition required for consideration of this paper is respectfully requested herewith and the Commissioner is authorized to charge deposit account 50-3135 for fees that might be required for such consideration.

Respectfully submitted,

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**March 21, 2008**